

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2007/003671

International filing date (day/month/year)  
26.09.2007

Priority date (day/month/year)  
26.09.2006

International Patent Classification (IPC) or both national classification and IPC  
INV. G02B6/38 G02B6/42

Applicant  
ZINWAVE LIMITED

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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Date of completion of  
this opinion

see form  
PCT/ISA/210

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**WRITTEN OPINION OF THE  
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**Box No. I    Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>2-4, 7, 9</u>
	No: Claims	<u>1, 5, 6, 8, 10, 11</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-11</u>
Industrial applicability (IA)	Yes: Claims	<u>1-11</u>
	No: Claims	

2. Citations and explanations

see separate sheet

**Re Item V.**

- 1 Reference is made to the following documents:

D1 : US 4 747 659 A (TAKAHASHI MITSUO [JP]) 31 May 1988

D2 : US 5 949 929 A (HAMM MARK A [US]) 7 September 1999

**2 INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A method of operating a multimode optical fibre transmission system, comprising selecting a launch condition to provide a desired performance at an output of the transmission system (see D1, col.1, l.44-46; col.4, l.19-24)

- 2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D2 discloses all the features of claim 1, in col.4, l.11-15, and col.6, l.18-22.

**3 INDEPENDENT CLAIM 5**

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5 is not new in the sense of Article 33(2) PCT.

Document D1 discloses all the features of claim 5 in col.1, l.44-46; col.4, l.19-24.

- 3.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5 is not new in the sense of Article 33(2) PCT.

Document D2 discloses all the features of claim 5, in col.4, l.11-15, and col.6, l.18-22.

**4 INDEPENDENT CLAIM 8**

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.

Document D1 discloses all the features of claim 8 in col.4, l.19-24.

- 4.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.

Document D2 discloses all the features of claim 8 in col.6, l.18-22.

**5 INDEPENDENT CLAIM 10**

- 5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 10 is not new in the sense of Article 33(2) PCT.

Document D1 discloses all the features of claim 10 in col.1, l.44-46; col.4, l.19-24.

**6 INDEPENDENT CLAIM 11**

- 6.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.

Document D1 discloses all the features of claim 11 in col.1, l.44-46; col.4, l.19-24.

**7 DEPENDENT CLAIMS 2-4, 6, 7, 9**

Dependent claims 2-4, 6, 7, 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

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